

REMARKS

Summary of Office Action

Claims 5-25 are pending in this application.

Claims 5-25 were rejected on the ground of nonstatutory obviousness-type double-patenting as being unpatentable over claims 1-6 of U.S. Patent No. 6,608,963.

The Examiner took official notice that "a controller can be in the form of a microprocessor for performing the recited functions, as is obvious, further single ported memory is well known having advantages of being cost effective to use, when the issues for use allow for the utilization, therefore, it would have been obvious to those skilled in the art at the time of the invention to further recite these features" (6/27/07 Office Action p. 3).

Summary of Applicants' Reply

Applicants respectfully traverse the official notices. Applicants submit herewith a Terminal Disclaimer under 37 C.F.R. § 1.321 (b,c) to obviate the Examiner's nonstatutory obviousness-type double patenting rejection of claims 5-25.

Reply to Official Notices

The Examiner took Official Notice that "a controller can be in the form of a microprocessor for

performing the recited functions, as is obvious, further single ported memory is well known having advantages of being cost effective to use, when the issues for use allow for the utilization, therefore, it would have been obvious to those skilled in the art at the time of the invention to further recite these features" (6/27/07 Office Action p. 3).

Applicants respectfully submit that the Examiner's Official Notice is not justified.

The Examiner may only take Official Notice of facts outside of the record which are "capable of instant and unquestionable demonstration as being 'well known' in the art" (MPEP § 2144.03). Applicants do not dispute that a controller can be in the form of a microprocessor, but respectfully submit that there is no objective basis to conclude that "a controller can be in the form of a microprocessor for performing the recited functions, as is obvious" (emphasis added). Further, there is no objective basis to conclude that "single ported memory is well known having advantages of being cost effective to use, when the issues for use allow for the utilization, therefore, it would have been obvious to those skilled in the art at the time of the invention to further recite these features," as suggested by the Examiner. Applicants believe that the Terminal Disclaimer submitted herewith renders the issue moot. However, if the Examiner maintains or reasserts these

Official Notices, applicants respectfully request that the Examiner provide references in support of the Official Notices, as is applicants' right under MPEP § 2144.03.

Reply to Nonstatutory Double Patenting Rejection

Claims 5-25 were rejected on the ground of nonstatutory obviousness-type double-patenting as being unpatentable over claims 1-6 of U.S. Patent No. 6,608,963.

Applicants hereby submit, without prejudice, a Terminal Disclaimer under 37 C.F.R. § 1.321 (b,c) to obviate the Examiner's nonstatutory obviousness-type double patenting rejection of claims 5-25. Applicants respectfully request that the Examiner's rejection be withdrawn.

Conclusion

The foregoing demonstrates that claims 5-25 are allowable. Reconsideration and allowance are accordingly respectfully requested.

Respectfully submitted,



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